

Approved: Meeting No. 32-14

Attest:

*Bridget Donnell Newton*  
*Sara Taylor-Ferrell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
February 9, 2015  
Meeting No. 06-15  
7:00 p.m.

### **Executive Session Summary for February 9, 2015**

Executive Session pursuant to Sections 3-305(b)(7) and 3-305(b)(9) of the General Provisions Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice and to consider matters that relate to collective bargaining and labor relations negotiations.

The Mayor and Council met in Executive Session on Monday, February 9, 2015, at 6:02 p.m. in the Diamondback Terrapin Conference Room, City Hall, 111 Maryland Avenue, Rockville, Maryland.

Councilmember Onley made the motion to convene in Executive Session, seconded by Councilmember Moore, and passed with Mayor Newton, Councilmember Feinberg, and Councilmember Palakovich Carr voted in favor.

#### **Present:**

Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Tom Moore, Councilmember Virginia Onley, and Councilmember Julie Palakovich Carr. Also present was Barbara Matthews, City Manager, Jenny Kimball, Deputy City Manager, Debra Daniel, City Attorney, Director of Human Resource Karen Marshall, Attorney Eric Patel and Acting City Clerk Sara Taylor- Ferrell.

Executive Session pursuant to Sections 3-305(b)(7) and 3-305(b)(9) of the General Provisions Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice and to consider matters that relate to collective bargaining and labor relations negotiations.

**Motion:** to adjourn.

Moved by Councilmember Onley, seconded by Councilmember Palakovich Carr, and passed unanimously.

The Executive Session adjourned at 6:30 p.m.

**Present:**

Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Tom Moore, Councilmember Virginia Onley and Julie Palakovich Carr.

**Staff Present:**

City Manager Barbara Matthews, Acting City Clerk/Treasurer Sara Taylor-Ferrell, and City Attorney Debra Daniel.

**1. Convene**

The Mayor and Council convened in a regular meeting at 7:07 p.m. on Monday, February 9, 2015, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

**2. Pledge of Allegiance**

Mayor Newton led the Pledge of Allegiance.

**3. Agenda Review**

Acting City Clerk Taylor-Ferrell noted there were no changes to the agenda. At the request of the City Manager Matthews, agenda item #15 was pulled due to time and attention to the topic.

**4. City Manager's Report**

City Manager Barbara Matthews announced the Glenview Art Gallery was scheduled to begin February 16 from 1:30-2:30 p.m. followed by refreshments.

City Manager Matthews announced the Human Rights Commission will hold a Diversity Workshop on February 19.

City Manager Matthews announced the upcoming Valentine events taking place at various City facilities.

City Manager Matthews announced the Peerless Rockville Tax Program.

Lastly, City Manager Matthews reminded everyone that City Hall will be closed on Monday, February 16 for President's Day.

## **5. Community Forum**

<b>Citizens</b>	<b>Issue</b>
Brian E. Barkley	APFS
Larry Giammo	APFS
Robyn Parks	APFS
Charles Hausheer	APFS
Audra Lew	Montgomery County Bus Depot
Susan Prince	APFS
Gail Sherman	APFS
Mack McKosick	APFS
Ann Goodman	APFS
Warren Crutchfield	APFS
Betty Spano	APFS
Jack Gelin	APFS
Jack Baur	APFS
Alice Von Sander	APFS
Jack Leiderman	APFS
Don Hadley	APFS
Jen Timmick	APFS
Victoria McMullen	APFS
Ruth Hanessian	APFS
Noreen Bryan	APFS
Melissa McKenna	APFS & Mark Twain Park
Edward Mattos	APFS

David Brenner	Mayor Giammo & Citation
Dennis Cain	APFS
Drew Powell	APFS
Claire Funkhouser	City Clerk Work Group & Middle Lane 355 lighting for pedestrians

## **6. Mayor and Council's Response to Community Forum and Announcements**

Councilmember Moore thanked everyone for coming and listening to all their comments and noted that is what makes a great City.

Councilmember Onley thanked everyone and noted it was really good to have citizens engaged and participate with such passion.

## **7. Mayor and Council Reports**

Mayor Newton attended the Maryland Mayors Meeting in Annapolis last week. Mayor Newton noted that twenty-five million dollars was allotted to Municipalities to help with roads and sidewalks.

## **8. Public Hearing on an Ordinance to Amend Chapter 3 of the Rockville City Code entitled "Animal Control" so as to Require the Licensing of Cats and Ferrets; Create New Requirements for Tethering and Sheltering Animals; Establish a Trap/Neuter/Return Program for Feral Cats; Allow Certain Livestock (Chickens and Goats) under Certain Conditions; to Revise and Update Certain Definitions; and to Make Certain Other Amendments to Chapter 3**

Mayor Newton opened the Public Hearing at 8:27 p.m. The Mayor and Council heard testimony from the following speakers:

1. Erin Robinson
2. Andrea Kronzek
3. Sophia Zuckman
4. Dr. Wendy Sparks
5. Robert Van Tressell
6. Rita Flygar
7. Andreas Mastle
8. Sabina Mastle
9. Katiya Mastel
10. Kim Deserio
11. Emily Spivak
12. Aaron Roasenzweig

13. Roth Hanessian
14. Ann Goodman
15. Sharon Kashchenback
16. Betty Foley
17. Kelly Madden
18. Sandra Speitel
19. Loren Scherbak
20. Clark Reed
21. Joyce Hatman
22. Randall Hatman
23. Connie Markwood
24. Jerry Buckler
25. Arlene Wesley
26. Alex Deckert
27. Jack Bauer
28. Deborah Landon
29. Kathleen Walker
30. Michael Smith
31. Alice Von Sander
32. Brigitta Mullican
33. Leslie Loomis

The completed testimony of the speakers can be found in the official Public Hearing file of the Mayor and Council in the City Clerk's office. There being no other persons wishing to speak, Mayor Newton closed the Public Hearing at 9:46 p.m. The record will remain open until February 24, at 5:00 p.m.

**The Mayor and Council took a brief recess at 9:49 p.m. The meeting reconvened at 9:58 p.m.**

**9. Adoption of a Bond Ordinance to Authorize the Competitive Sale of Tax-exempt 2015A General Obligations Refunding in an Amount Not to Exceed \$14,000,000 for the Purpose of Refunding Outstanding Debt Previously Issued in 2005, and Related Issuance Costs**

Director of Finance Cohen gave a brief summary of the ordinance to the Mayor and Council.

**Motion:** to amend the ordinance as modified

Moved by Councilmember Moore, seconded by Councilmember Feinberg and unanimously approved.

**Motion:** to adopt ordinance as amended

Moved by Councilmember Moore, seconded by Councilmember Palakovich Carr and passed unanimously.

## **10. Presentation - City Clerk Work Group Report**

Chair Harrison announced the names of the members of the City Clerk Work Group. Mr. Harrison shared the recommendation of the group report to the Mayor and Council and additional recommendations from Chair Neuman of the Board of Supervisors of Elections.

## **11. Consent Agenda**

### **A. Authorization to Extinguish and Abandon a Sewer Main Easement at Julius West Middle School**

**Motion:** to Authorize to Extinguish and Abandon a Sewer Main Easement at Julius West Middle School

Moved by Councilmember Moore, seconded by Councilmember Feinberg and unanimously approved.

### **B. Award of Invitation for Bid (IFB) #17-15 for Mowing Services to Lancaster Landscapes, Inc.**

**Motion:** to Award of Invitation for Bid (IFB) #17-15 for Mowing Services to Lancaster Landscapes, Inc.

Moved by Councilmember Feinberg, seconded by Councilmember Palakovich Carr and unanimously approved.

### **C. Approval of an Amendment to Contract 19-08 with Rummel, Klepper, and Kahl, LLP**

**Motion:** to Approve an Amendment to Contract 19-08 with Rummel, Klepper, and Kahl, LLP

Moved by Councilmember Palakovich Carr, seconded by Councilmember Moore and unanimously approved.

## **12. Discussion and Instructions – Mark Twain Athletic Park Future Use**

Deputy City Manager Kimball requested direction from the Mayor and Council on whether to include this topic in the City's testimony for the County Council budget hearing on February 24.

Councilmember Palakovich Carr requested including in the public record a few sentences supporting funding feasibility study. Councilmember Moore and Mayor Newton second the request. Mayor Newton added including spreading the bus parking to multiple locations.

**13. Possible Adoption of a Resolution Amending the Adequate Public Facilities Standards (APFS) to Align the City's School Standards With Montgomery County's School Standards**

The staff report was presented by Zoning Administrator Deane Mellander. Lengthy discussion between the Mayor and Councilmembers and staff was held with each Mayor and Councilmember expressing their thoughts and opinions.

**Motion:** to adopt a resolution amending the APFS to align the City school standards with Montgomery County as outlined in Attachment A

Moved by Councilmember Moore and seconded by Councilmember Palakovich Carr.

Councilmember Moore withdrew his motion and asked that the discussion shift to when the item should be brought back. Councilmember Palakovich Carr withdrew her second.

**Motion:** to participate in Councilmember Berliner's meeting on March 7 and bring the item back to the Mayor and Council on March 16

Moved by Councilmember Moore, seconded by Councilmember Palakovich Carr.

**Motion:** to amend motion to ask staff to get it on the schedule as quickly as possible

Moved by Councilmember Moore, seconded by Councilmember Palakovich Carr. Motion failed with a vote of 2-3. Councilmembers Onley and Feinberg and Mayor Newton opposed.

**14. Introduction of an Ordinance to Amend Ordinance #14-14 to Appropriate Funds and Levy Taxes for Fiscal Year 2015 (Budget Amendment #2)**

Budget and Finance Manager Stacey Webster presented a brief summary to the Mayor and Council.

**Motion:** to introduce the ordinance to amend ordinance #14-14 to appropriate funds and levy taxes for Fiscal Year 2015 (Budget Amendment #2)

Introduced by Councilmember Palakovich Carr

**15. Discussion - General Fund Unassigned Fund Balance Policy Target**

**Agenda item was pulled due to time.**

**16. Discussion - FY 2016 Budget Preview #3 - Major Changes and Property Tax Update**

Budget and Finance Manager Stacey Webster presented a brief summary to the Mayor and Council. Questions of clarification from the Mayor and Council were addressed by staff.

**17. Review and Comment - Mayor and Council Action Report**

The Mayor and Council reviewed the Action Report and made comments, corrections and recommendations.

Mayor Newton requested to add a date for the follow up discussion of the purchasing study scope of services, including discussion of the question raised by email last Friday. City Manager Matthews will select a date over the next week. Councilmember Onley seconded the request.

**18. Review and Comment - Future Agendas**

The Mayor and Council reviewed the Action Report and made comments, corrections and recommendations.

**19. Old/New Business**

No old and new business from the Mayor and Council.

**20. Adjournment**

There being no further business, the meeting adjourned at 11:58 p.m.

Moved by Councilmember Feinberg, seconded by Councilmember Onley and unanimously approved.